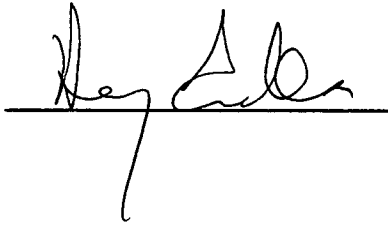


By



H.B. No. 1402

A BILL TO BE ENTITLED

AN ACT

relating to private management of a low-performing public school or school district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 35.121(a), (b), (d), and (e), Education Code, are amended to read as follows:

(a) If a district does not satisfy the accreditation criteria, the commissioner of education shall take any of the following actions, listed in order of severity, to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the Central Education Agency, and the sanctions that may be imposed under this section if the performance does not improve;

(3) order the preparation of a student achievement improvement plan that addresses each academic excellence indicator for which the district's performance is unacceptable, the submission of the plan to the commissioner of education for approval, and implementation of the plan;

(4) order a hearing to be held before the commissioner of education or the commissioner's designee at which the president

1 of the board of trustees of the district and the superintendent
2 shall appear and explain the district's low performance, lack of
3 improvement, and plans for improvement;

4 (5) arrange an on-site investigation of the district;

5 (6) appoint an agency monitor to participate in and
6 report to the agency on the activities of the board of trustees or
7 the superintendent;

8 (7) appoint a master to oversee the operations of the
9 district;

10 (8) appoint a management team to direct the operations
11 of the district in areas of unacceptable performance;

12 (9) contract with a private entity for the management
13 of the educational program of the district;

14 (10) if a district has been rated as accredited warned
15 for a period of one year or more, appoint a board of managers
16 composed of residents of the district to exercise the powers and
17 duties of the board of trustees; or

18 (11) [~~10~~] if a district has been rated as
19 accredited warned for a period of two years or more, annex the
20 district to one or more adjoining districts under Section 19.027.

21 (b) If a campus performance is below any standard under
22 Section 35.063(b), the campus is considered a low-performing campus
23 and the commissioner of education may take any of the following
24 actions, listed in order of severity, to the extent the
25 commissioner determines necessary:

26 (1) issue public notice of the deficiency to the board
27 of trustees;

1 (2) order a hearing conducted by the board of trustees
2 at the campus for the purpose of notifying the public of the
3 unacceptable performance, the improvements in performance expected
4 by the Central Education Agency, and the sanctions that may be
5 imposed under this section if the performance does not improve
6 within a designated period of time and of soliciting public comment
7 on the initial steps being taken to improve performance;

8 (3) order the preparation of a student achievement
9 improvement plan that addresses each academic excellence indicator
10 for which the campus's performance is unacceptable, the submission
11 of the plan to the commissioner of education for approval, and
12 implementation of the plan;

13 (4) order a hearing to be held before the commissioner
14 of education or the commissioner's designee at which the president
15 of the board of trustees, the superintendent, and the campus
16 principal shall appear and explain the campus's low performance,
17 lack of improvement, and plans for improvement;

18 (5) appoint a special campus intervention team to:

19 (A) conduct a comprehensive on-site evaluation
20 of each low-performing campus to determine the cause for the
21 campus's low performance and lack of progress;

22 (B) recommend actions, including reallocation of
23 resources and technical assistance, changes in school procedures or
24 operations, staff development for instructional and administrative
25 staff, intervention for individual administrators or teachers,
26 waivers from state statute or rule, or other actions the team
27 considers appropriate;

1 (C) assist in the development of a campus plan
2 for student achievement; and

3 (D) assist the commissioner of education in
4 monitoring the progress of the campus in implementing the campus
5 plan for improvement of student achievement;

6 (6) contract with a private entity for management of
7 the educational program of the campus;

8 (7) if a campus has been a low-performing campus for a
9 period of one year or more, appoint a board of managers composed of
10 residents of the district to exercise the powers and duties of the
11 board of trustees of the district in relation to the campus; or

12 (8) [†7†] if a campus has been a low-performing campus
13 for a period of two years or more, order closure of the school
14 program on the campus.

15 (d) The costs of providing a monitor, master, management
16 team, private management entity, or special campus intervention
17 team shall be paid by the district.

18 (e) A master or management team appointed to oversee the
19 operations of the district shall prepare a plan for the
20 implementation of action under Subsection (a) (10) or (11) [†9†--or
21 †10†] and may:

22 (1) direct an action to be taken by the principal of a
23 campus, the superintendent of the district, or the board of
24 trustees of the district; or

25 (2) approve or disapprove any action of the principal
26 of a campus, the superintendent of the district, or the board of
27 trustees of the district.

1 SECTION 2. This Act takes effect September 1, 1995.

2 SECTION 3. The importance of this legislation and the
3 crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended.

COAUTHOR AUTHORIZATION-74TH LEGISLATURE

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number:

HB 1402

Hej Ales
signature of primary author

H. Cuellar
printed name of primary author

2-16-95
Date

PERMISSION TO SIGN HB 1402 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2115 Allen	Date	A2125 Alonzo	Date
A2105 Alvarado	Date	A2135 Averitt	Date	A2160 Bailey	Date
A2200 Berlanga	Date	A2240 Black	Date	A2270 Bomer	Date
A2275 Bosse	Date	A2265 Brady	Date	A2260 Brimer	Date
A2405 Carona	Date	A2400 Carter	Date	A2480 Chisum	Date
A2530 Clemons	Date	A2435 Coleman	Date	A2575 Combs	Date
A2580 Conley	Date	A2570 Cook	Date	A2595 Corte	Date
A2600 Counts	Date	A2605 Crabb	Date	A2610 Craddick	Date
A2645 Cuellar, Henry	Date	A2646 Cuellar, Renato	Date	A2635 Culberson	Date
A2670 Danburg	Date	A2675 Davila	Date	A2625 Davis	Date
A2630 De La Garza	Date	A2685 Dear	Date	A2680 Delisi	Date
A3385 Denny	Date	A2705 Driver	Date	A2665 Dukes	Date
A2655 Duncan	Date	A2650 Dutton	Date	A2770 Edwards	Date
A2760 Ehrhardt	Date	A2775 Eiland	Date	A2785 Elkins	Date
A2810 Farrar	Date	A2830 Finnell	Date	A2920 Gallego	Date
A2935 Giddings	Date	A2880 Glaze	Date	A2985 Goodman	Date
A2990 Goolsby	Date	A3005 Gray	Date	A3010 Greenberg	Date
A3020 Grusendorf	Date	A3030 Gutierrez	Date	A3035 Haggerty	Date
A2695 Hamric	Date	A3120 Harris	Date	A3170 Hartnett	Date
A3345 Hawley	Date	A3180 Heflin	Date	A3230 Hernandez	Date
A3240 Hightower	Date	A3310 Hilbert	Date	A3250 Hilderbran	Date

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Bill or Resolution Number: HB 1402

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheanser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4325 Romo	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A2730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbraneck	Date

HB, No. 1702

B

FEB 16 1995

FEB 20 1995

Read first time and referred to Committee on PUBLIC EDUCATION

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)